

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE KINCADE GROUP, LLC, ET AL.,)	
)	
Plaintiffs,)	
)	CIVIL ACTION NO.
VS.)	
)	3:12-CV-1103-G
BONUS OF AMERICA, INC.,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

This court is required to examine the basis for its subject matter jurisdiction, on its own motion if necessary. *Torres v. Southern Peru Copper Corp.*, 113 F.3d 540, 542 (5th Cir. 1997). Diversity of citizenship is alleged as the basis for subject matter jurisdiction in this case. Plaintiffs' Original Complaint and Demand for Jury Trial ¶ 8 (docket entry 1). The plaintiff The Kincade Group, LLC is alleged to be a Tennessee corporation with its principal place of business in Nashville, Tennessee. *Id.* ¶ 3. The plaintiff The Kincade Group, Inc. is alleged to be a Tennessee corporation with its principal place of business in Nashville, Tennessee. *Id.* ¶ 4. The plaintiff Grove Partners of Miami, LLC is alleged to be a Florida limited liability corporation with its principal place of business in Nashville, Tennessee. *Id.* ¶ 5. The plaintiff Grove Partners of Memphis, LLC is alleged to be a Tennessee limited liability corporation

with its principal place of business in Nashville, Tennessee. *Id.* ¶ 6. The defendant Bonus of America, Inc. is alleged to be a Texas corporation with its principal place of business in Indianola, Oklahoma. *Id.* ¶ 7.

Diversity of citizenship jurisdiction requires that the citizenship of each plaintiff must be different from the citizenship of each defendant. *Strawbridge v. Curtiss*, 7 U.S. 267 (1806). Generally, the citizenship of artificial entities other than corporations is determined by the citizenship of their members. See *Carden v. Arkoma Associates*, 494 U.S. 185 (1990). This rule applies to limited liability companies. *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1079-80 (5th Cir. 2008).

From the plaintiffs' allegations, the court cannot tell whether there is diversity of citizenship or not. Accordingly, within ten days of this date, the plaintiffs shall file and serve an amended complaint that alleges the names and citizenship of each member of (1) the plaintiff The Kincade Group, LLC; (2) the plaintiff Grove Partners of Miami, LLC; and (3) the plaintiff Grove Partners of Memphis, LLC.

Failure to timely file and serve such an amended complaint will result in dismissal of this case without further notice.

SO ORDERED.

April 13, 2012.



A. JOE FISH
Senior United States District Judge